

JEFFERSON COUNTY COMMISSIONERS
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
February 6, 2007**

Present: Commissioners Lythgoe, Notbohm and Weber; Bonnie Ramey, Clerk and Recorder; Tom Harrington and Tara Mastel, JLDC; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Marga Lincoln, *Helena Independent Record*; Shirley Vossler, Celia Wolny, Tammy Johnson, Kacey Askin, Andrea Lattin

CALENDAR REVIEW

2/06 Saddle Mountain RID/RMD meeting - 6:00
2/07 Meeting with Tammy Johnson - 1:30
Horizons meeting - 7:00
2/08 CTAC - Whitehall - 8:00
Tri-County Fire - Helena - 9:00
Elkhorn Working Group - 2:00
Legislative growth policy bill - Room 335 - 3:00
Library Board meeting - 6:30
Weed Board meeting - 6:30
2/12 - 2/15 MACo Conference - Helena

COMMISSION REPORTS

LEASE SIGNING

Commissioner Lythgoe reported that the lease signing in Whitehall Wednesday was well attended. The CEO of Barrick, the Governor, Scott Mendenhall, Terry Murphy and the Mayor of Whitehall were some of those in attendance.

LARRY SWANSON

Commissioner Lythgoe reported that on Wednesday afternoon, he and Commissioner Weber met with Larry Swanson in Whitehall. They discussed growth issues, and he was able to ask a lot of questions.

SB 339

February 6, 2007 minutes.wpd

Commissioner Lythgoe reported that he spent a lot of time on Friday dealing with SB 339. It is making progress through the senate to get to committee.

EMERGENCY PLANNING

Commissioner Lythgoe reported that the Commission met with Sally Buckles, DES coordinator, that morning. It was mainly housekeeping; the main discussion was of the emergency radio stations. Sally may be requesting money for next year's budget.

RMDC

Commissioner Notbohm reported that he attended a RMDC meeting on Wednesday. They discussed an employee matter.

HORIZONS

Commissioner Weber reported that the study circles have kicked off in Boulder and are going well.

ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

Weed Department Staffing: Commissioner Lythgoe stated that he talked with the Personnel Officer earlier in the day regarding the request from the Weed Supervisor for a full-time secretary. Commissioner Notbohm stated that he thinks that Sam is getting ready for the next fiscal year. He will probably hear more at the Weed Board meeting on the 8th.

Fire District letters: Commissioner Lythgoe stated that he needs to have a letter approved. This letter will be going out to everyone that pays Solid Waste fees. Commissioner Weber stated that he feels it would be appropriate to add an advertisement for the mitigation projects. Commissioner Lythgoe agreed that a line or two could be added to the letter. Commissioner Notbohm asked if all of the fire chiefs are aware of the mitigation program, if homeowners call them. Commissioner Lythgoe stated that Pat McKelvey is the main contact for the mitigation project. Commissioner Notbohm moved to send out the letter with the addition of the mitigation information. Commissioner Lythgoe seconded. The motion carried.

Commissioner Lythgoe stated that he has a quote from Jan Anderson from the *Boulder Monitor* for \$801.50 for the printing. If the Commission wants her to do the folding and envelop stuffing, it will be an additional \$1200. Commissioner Notbohm asked where this will be paid from. Commissioner Lythgoe stated that it will come from the Commission account.

CORRESPONDENCE

Commissioner Weber read letters that had been submitted to the Commission from Kathy Lloyd and Drake Barton and from Robert Meyers (on file in the Clerk and Recorder's office).

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

KACEY ASKIN - MONTANA CITY TRAILS AND TRUST - DISCUSS RIGHT-OF-WAY

FOR PHASE 2, FROM BRIDGE ON McCLELLAN CREEK TO BITTERROOT MOUNTAIN ROAD

Kacey Askin, president of Montana City Trails and Trust stated that his organization was started in 2002 as a sub-committee of the PTA. They acquired CTEP funds in 2004 and built phase 1 of the trail. They are now looking at phase 2. They have decided to form a non-profit group to build and maintain the trails, and they are pursuing grants and private funding. They recently learned that they have received \$30,000 from a Fish, Wildlife and Parks grant. They hope to get started on phase 2 next fall.

Kacey stated that he is here to ask for an easement in the county right-of-way if needed. However, the plan is to use the subdivision right-of-way as much as possible. The County will see the design before any construction takes place. Commissioner Weber stated that the first step, from the County level, is to look at an encroachment permit from the Road Department. He stated that the design will be very important for that. Commissioner Lythgoe stated that he thinks an encroachment permit is important. He asked Kacey if they have a cost estimate. Kacey stated they estimate it will cost between \$150,000 and \$160,000. He noted that there is also interest from Ash Grove in supporting the project.

JLDC UPDATE

Tara Mastel, JLDC manager, presented the Commission with an update from the past month. She stated that on the south campus, they are dealing with a sewer blockage. They are digging up about 100 feet of sewer line. Building 8 has been completely painted, new flooring has been installed and they are ready for expansion.

Tara stated that there were about 50 people in attendance at the Golden Sunlight Mine Industrial Park lease signing. The A&E is complete, and they are looking for funding for the next step.

CTAC is planning a safety day in Whitehall, and they are looking at March 10th for the date to hold it.

The Boulder Housing Task Force held a meeting on January 18th. They are working in various directions. They plan to conduct a senior survey to gauge the needs and wants in the community. They are also working on a windshield survey for housing needs. Their next meeting will be held on March 1st, and they are planning a public meeting to inform the public. The Habitat for Humanity group is an outgrowth of the Task Force, and will be meeting on February 15th.

The Boulder Horizons had a great response at the kick off. Whitehall had their kick off on Friday with 200 in attendance. They will have ten study circles, held both in the day and in the evening.

Tara stated that she is on the tenure track for MSU. One requirement is to do adult training, and she needs to do a minimum of five trainings per year to keep her job.

Celia Wolny asked if there has been any progress on the subdivision of the south campus. Tara stated that there has been no progress; they have been working on other projects. Celia asked if

there is anything new on building 6. Tara stated that there isn't.

DISCUSS AND DECIDE ON ALLOCATION OF COUNTY PORTION OF METAL MINES TRUST FUNDS

Commissioner Weber stated that Bonnie has provided a figure of \$147,430.06 for the Central Shop loan payoff. Commissioner Notbohm moved to pay off the loan with the County's metal mines funds. Commissioner Weber seconded. Commissioner Notbohm stated that he thinks that this will help the County in two ways, it will save money and also free up PILT dollars.

Commissioner Lythgoe stated that he isn't saying that they should or shouldn't do this, but he thinks that they should discuss everything before they decide anything. The motion was tabled for the moment.

Commissioner Lythgoe stated that there is a recommendation that \$50,000 be earmarked to help facilitate affordable housing in the county. Barbara Miller has sent a request for \$19,500 for grant match for the purchase of land in the Boulder area for affordable housing. His recommendation is to change the wording to the Jefferson High School district, and change the recommendation for support of the housing project from \$50,000 to \$19,500.

Commissioner Lythgoe stated that his recommendation is that the \$10,000 previously earmarked be left to the JLDC's discretion. Commissioner Notbohm stated that his recommendation is that it be at the Commission's discretion. He is very much in favor of the project, but they need to know where the money is spent. Commissioner Weber stated that the Boulder Housing group may be better suited to give the recommendation; they are set up to handle this. Tara stated that the 501 (c) (3) status hasn't been discussed yet; they are getting organized and want to do a mailing. Commissioner Lythgoe stated that they have already allocated \$10,000 to the JLDC, and he is not going to support taking it back. His only recommendation is that it be at their discretion as to how it be spent. His recommendation is to take off the Commission's stipulation that it be used to hire a person. Commissioner Notbohm asked Commissioner Lythgoe what his thinking is for this money. Commissioner Lythgoe stated that as it relates to housing and as it relates to working with the Boulder group, he wants to take off the designation that it has to be used to hire a person. The money was allocated to the JLDC for housing, because they understand that this is a very important issue. They originally thought to hire a person, but it could be used for mailings, etc. Tara stated that she is fine with leaving the money with the Commission, as it doesn't put them in the decision making mode. Celia asked if it could be stipulated that the money be used with the Boulder Housing group. Commissioner Weber stated that the stipulation was that the money be used to hire a person to lead the housing effort, but the Boulder group seems to be doing that function. Commissioner Lythgoe noted that the money could also be used for Basin or another areas in the high school district. They need to take off the stipulation that the money be used to hire someone.

Regarding the \$250,000 for the grant program, Commissioner Lythgoe stated that even though they state a \$250,000 figure, the money stays with the county and stays with the reserve; the same is true for the loan program funds. They may designate a number, but the money isn't going anywhere. Commissioner Notbohm stated that they are earmarking \$50,000 a year for five years, but suggested that they may want to be more flexible; they need criteria for the use of the

funds - jobs, the return to the county, etc. Commissioner Weber stated that these are categories that the grants are judged on. Commissioner Lythgoe stated that the next item on the agenda is the grant and loan program criteria, which is exactly what Commissioner Notbohm is talking about. Commissioner Notbohm suggested that they keep the criteria on the Clerk and Recorder counter and make it available online. Commissioner Weber stated that his only discussion on this is what a sparkplug this has been on the south end.

Carol Ferguson stated that she likes the sound of the grant and loan programs and their ability to enhance communities. She understands that the Larry Swanson study has not been finalized yet. She feels that this is a good tool to identify and evaluate the needs of the County, and should precede any major appropriation of funds. She would like to suggest that \$250,000 might provide some significant benefit, and noted that there is need in the area for infrastructure. This amount could be used for matching funds. Having flexibility in the amount of money available may be beneficial. There may be more need in one cycle versus another. Commissioner Lythgoe stated that this has happened in the south end; there is some flexibility in the amount disbursed during a grant cycle.

The requested amount for the business loan program is \$250,000. Commissioner Notbohm asked if these loans will be reviewed by Headwaters. Commissioner Weber stated that they will be. He explained that Headwaters is an economic development group out of Butte. They have more staff available, one staff member with banking background, as well as small business development staff. Commissioner Notbohm stated that he has read both packets, and asked if there is a set criteria of what would be loaned, and if it would be a portion of the program. Commissioner Weber stated that it is based on FTEs. Many times these loans are used as stop-gap funding or additional funding to traditional loans. He stated that there have been two business loans in the past four years.

Commissioner Weber stated that they will not be discussing items four and five until after the reporting committee meets.

Commissioner Weber stated that item seven will leave approximately \$747,217 in reserve to be used at the discretion of the Commission. The majority of the grant and loan appropriation would remain with this. Commissioner Lythgoe stated that he is not sure if item d, which deals with annexation, is an appropriate use of metal mines money. He recommended that this be stricken. Commissioner Notbohm stated that if annexation takes place, it will have an impact. There will be an economic loss. Supporting the fight of annexation is economic development. Commissioner Weber stated that he can see both sides. There are other funds available to support the annexation issue, so he is okay with striking this.

Celia stated that this all seems pretty vague. She asked that if they decide to allocate funds in the future, will it come before the Commission again. Commissioner Weber stated that by the Commission voting on this today, they can use the money as designated. Celia stated that public input is so large, and would again request that the Commission have a public meeting in the evening so that more people can attend. She has been to all of these meetings and she still sees no clear plan of what the County wants to do. Commissioner Weber stated that they plan to have night meetings. The problem is that, as far as to where they are going, they are not entirely sure

themselves. They will be researching the right-of-way issue no matter what. Celia stated that it looks funny to have a meeting after the fact, when their minds are already made up.

Commissioner Lythgoe stated that they are going to vote today whether to use metal mines money for this task. What happens after that, how to proceed with the task, will be the topic of discussion at the night meetings with more public involvement. Is the public going to be involved in the decision of the use of metal mines funds after this point - no. but, as far as how that task proceeds, the public is going to have all kinds of input.

Celia noted that the Commission has gotten lots of letters and e-mails regarding the use of metal mines money. She would like to stress again that she doesn't feel that the Commission has given the public an opportunity to comment. Commissioner Lythgoe stated that the Commission has heard from both sides for several years on this issue. Lately, they are hearing that people don't want us to use metal mines money, but the bigger issue is that they don't want us to mess with the Forest Service roads. They will be starting from scratch and getting input on how to proceed from there. Celia stated that she doesn't feel that the Commission is making an effort.

Andrea Lattin asked if there is any reason why the Commission can't wait to make the decision until after at least one night meeting. Commissioner Weber stated that this has been going on for years, and they have made a promise to the Helena National Forest that we will get the information to them before spring. Dragging this out longer will tie everyone up. He sees the night meetings as an educational process for the public to hear what the Commission is trying to do as well as for the Commission to learn what the public wants. Commissioner Notbohm stated that there could be a test period with a set amount for the study to gauge the impact. Celia stated that the Commission's first allegiance is to the public; they have been asking for night meetings for some time. Commissioner Lythgoe stated that there are a few people that are concerned about the use of metal mines money for this; if they decided to use PILT, they would still be getting the same letters. The bigger issue is that we are doing this at all. The Commission has committed to bring the public in on the process. Commissioner Notbohm stated that people might take the information with them and hope that the Commission won't proceed, but the fact is that if they don't get something done with the Helena and Beaverhead-Deer Lodge National forests, we will lose the issue. The future viability of the county is at stake; we have a very short time span. Celia stated that she doesn't know what she thinks, because she isn't sure what the issue is. Commissioner Weber stated that this is the importance of an evening meeting; for educational purposes. Celia stated that education is needed before a decision is made.

Commissioner Notbohm reiterated that the financial future of this county depends on what happens in the next few months. Carol Ferguson stated that what seems to be obvious to most people is that most Commissions go to great lengths to avoid taking on more roads. There has been no evidence presented to the public that acquisition of more roads is beneficial to the County. She noted that it is hard to maintain the current roads. She doesn't feel that there has been sufficient ability for discussion of the issues, and the Commission seems to be making policy issues.

Commissioner Weber stated that part of this came out of the governor's request for help with his response to the President's request regarding roadless areas. They did some research and held some night meetings and the policy direction came out of that. For discussion at this time is if

they will use metal mines money or not. They have stated numerous time why this is an economic development issue. Mining, timber harvest, tourism are all economic development issues. They had quite a few meetings, evening meetings included, to discuss the Commission's response to President Bush. The purpose of evening meetings, in his mind, is to expand on the knowledge base, not to discuss the use of metal mines money.

Commissioner Lythgoe stated that they had a lot of people at those evening meetings and the discussion expanded on what the Governor requested. Those meetings were very well attended. The people who are e-mailing now in opposition of this weren't very well represented and didn't even say anything at those meetings. When the Commission met with Larry Swanson this past week they discussed this issue, and he very much feels that this is an economic development issue.

Commissioner Notbohm stated that the fact of the matter is that these letters maintain that the Commission is trying to take over state and federal highways; this is not true. Most of these rights-of-way are over 100 years old and dedicated to the public as public rights-of-way. It is up to the County to protect these rights-of-way. Commissioner Notbohm noted that there are two ways to legally close a road, both of which the Commission has the end say. This hasn't been done. The Forest Service has taken it upon themselves to close roads without going through the legal process. The biggest issue for the Commission when it was originally set up was roads. The Forest Service, BLM, etc., are not the governing body of the county. Celia stated that she has heard them say that people are confused and not informed about what the Commission is doing. She says, inform them; maybe someone will change their mind.

Tom Harrington stated that Carol Ferguson taught him a lot about metal mines monies. The Commission is committed to do the project, but there are no dollar amounts attached. He feels that night meetings will be good to discuss the policy that has been set. He doesn't know what the outcome will be or if there will be a tangible outcome. He would like to see some dollar amounts set. It is going to be a controversial issue when dealing with the roadless issue. Metal mines money has been built up over a long time for a specific purpose.

Commissioner Weber noted that there is a motion on the floor to pay off the central shop loan at a cost of \$147,430.06, which will offer a savings of \$30,462.01 in interest. Commissioner Lythgoe stated that he is not in favor of this. They have been making payments and this is in the budget. He doesn't feel that this is that important. Commissioner Notbohm stated that he would like to state that he is in support of paying this off. They can save \$30,000 and put that money back into the PILT allocation. The County is in danger of losing some of its PILT allocation. The motion carried, with Commissioners Notbohm and Weber voting aye and Commissioner Lythgoe voting nay.

Commissioner Lythgoe moved to allocate \$19,500 for grant match for a land purchase for the affordable housing project and \$10,000 to the JLDC, with the removal of the stipulation that it be used to hire someone. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe moved to allocate \$250,000 to the grant program over a five year period. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to allocate \$250,000 for the business loan program. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to delete the possible use of metal mines money for annexation issues. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to allocate \$140,000 over a four-year period for consultant contracts for road and mining issues. Commissioner Notbohm stated that he wouldn't care for that long of a commitment. Commissioner Lythgoe stated that it would cover two legislative sessions. Commissioner Weber seconded. Commissioner Notbohm said that he will need to sit back and take stock of the work. Commissioner Lythgoe stated that they have the ability to terminate the contracts at any time. Commissioner Notbohm asked how long they have until the Beaverhead-Deer Lodge travel plan goes into effect. Commissioner Weber stated that it could be as little time as a few months. Commissioner Notbohm stated that roads are the biggest issue. Celia stated that she thought if something is going to cost over a certain amount, the county has to go out for bid. Commissioner Weber stated that this will be spread over four years. Also, the money will not be spent until they are billed. Celia asked which issue Atlatl will be dealing with. Commissioner Weber stated that they will be focused on mining issues. Commissioner Notbohm stated that they don't know what things are going to cost, but they need to look at what they are getting and go by a year-to-year basis. Commissioner Weber stated that based on the night meetings and research, this might not make it to a year. They are not locking in for four years, but just setting a limit of what will be spent. Commissioner Lythgoe stated that it is really no different than the amounts that they earmarked for grants and loans. Commissioner Notbohm stated that he just doesn't like to see it go out for that long. Celia asked if the Commission has the contracts already. Commissioner Weber stated that they do; this just sets the funding source. The motion carried with Commissioners Lythgoe and Weber voting aye and Commissioner Notbohm voting nay.

Commissioner Weber asked how they should deal with items d, e, and f. Commissioner Notbohm moved that they make no more allocations at this time. Commissioner Lythgoe seconded. Commissioner Notbohm noted that they do have quite a bit of leverage in using the money. If the need arises, they can put this back on the agenda and deal with it then. The motion carried.

DISCUSS AND DECIDE ON RECOMMENDATION FOR THE NORTH END GRANT AND LOAN PROGRAM

Commissioner Notbohm moved to accept the recommendation for the formation of these programs. Commissioner Lythgoe seconded. The motion carried.

CANCEL MEETING OF FEBRUARY 13

Commissioner Lythgoe moved to cancel the meeting of February 13, as the Commissioners will be attending the MACo Conference. Commissioner Notbohm seconded. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Bonnie Ramey, Clerk and Recorder, asked the Commission if they are going to do a formal budget amendment for the action taken at this meeting. Commissioner Weber stated that they will. Bonnie stated that all that matters is this fiscal year. Next fiscal year this will be open for

discussion again.

Carol Ferguson stated that the Commission has used PILT previously for road issues. She asked that if the Commission just freed up money from PILT, wouldn't it have been possible to move the road issue funding over to PILT. Commissioner Lythgoe stated that this was a possibility, and they did think about it. Carol noted that if they did so, it would allow them to focus the metal mines money on economic development. Bonnie stated that what Carol says is true; since PILT has been freed up, they could decide at budget time to use PILT funds instead for the road issues. Commissioner Lythgoe agreed that this could happen in the future. However, depending on the public meetings, the whole issue could go away.

Commissioner Notbohm moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER